

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION I

| | |
|--------------------------|------------------------|
| STATE OF WASHINGTON, |) NO. 62373-7-I |
| |) |
| Respondent, |) |
| |) |
| v. |) UNPUBLISHED OPINION |
| |) |
| K.P.S. (d.o.b 10/15/90), |) |
| |) |
| Appellant. |) FILED: July 27, 2009 |

BECKER, J. – The juvenile court found appellant guilty of loitering for the purpose of prostitution. She argues that the State did not provide sufficient evidence to prove the offense. We affirm.

KPS was charged with loitering for the purposes of committing an act of prostitution under an ordinance making it unlawful for a person to “remain in or near any street, sidewalk, alleyway or other place open to the public with the intent of committing, or inducing, enticing, soliciting or procuring another to commit, an act of prostitution.” King County Code 12.63.010(G).

At the fact-finding hearing, Andrew Grove, a police officer, testified that he was working undercover in a prostitution emphasis investigation one evening in December 2007. Officer Grove noticed appellant KPS walking on the sidewalk of Pacific Highway South in an area that prostitutes were known to frequent. Officer Grove testified that he parked in a vacant parking lot. KPS approached his car. According to the officer, KPS asked if he was looking for company and he said he was. After entering the car, KPS asked him if he was a cop. During the conversation, KPS requested several times that Grove expose himself to prove he was not a cop. He declined each request. KPS offered to have oral sex with him behind a nearby automobile parts store, once the price was determined and Grove exposed himself to prove he was not a cop. Grove signaled for the arrest team and KPS was taken into custody.

KPS testified that she left her house after getting into an argument with her mother and was hitchhiking on Pacific Highway South to a friend's house when a man stopped and agreed to give her a ride. She denied offering to perform sex acts.

The juvenile court found KPS guilty as charged and entered written findings of fact and conclusions of law. The court found the officer's testimony was credible.

KPS challenges the trial court's findings and conclusions, arguing that insufficient evidence supported her conviction because the State did not prove

each element of the charged offense beyond a reasonable doubt.

We review findings of fact in a juvenile matter for substantial evidence. State v. B.J.S., 140 Wn. App. 91, 97, 169 P.3d 34 (2007). Evidence is sufficient to support a conviction if, viewed in the light most favorable to the prosecution, it permits any rational trier of fact to find the essential elements of the crime beyond a reasonable doubt. State v. Salinas, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992). Credibility determinations are for the trier of fact and are not subject to review. This court must defer to the trier of fact on issues of conflicting testimony, credibility of witnesses, and the persuasiveness of the evidence. State v. Fisher, 99 Wn. App. 714, 719, 995 P.2d 107 (2000).

Officer Grove and KPS were the only witnesses at trial. The court heard conflicting testimony regarding their conversation in the car. The trial court found that the officer's testimony was credible. We defer to that finding.

KPS' intent to commit an act of prostitution was evident from her action of immediately getting into a car with a stranger and offering to perform sex acts in exchange for money. Sufficient evidence supports the conviction.

Affirmed.

A handwritten signature in black ink, reading "Becker, J.", with a horizontal line extending to the right from the end of the signature.

WE CONCUR:

Dwyer, A.C.J. Jan 10